

REMARKS

Currently pending under examination are claims 1, 3-10 and 22-35.

Examiner Action Mailed December 6, 2007 and allowed claims:

In the Examiner's Action mailed December 6, 2007, the Examiner indicated that claims 10, 29, and 33-35 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In a response to the December 6, 2007, Examiner's Action, mailed April 3, 2008, and May 1, 2008 (response to non-compliant amendment), the Applicants amended claim 1 to include the limitation of allowable claim 10 that there be provided a membrane including an aperture aligned with a gap. This gap is provided, as recited in amended claim 1, between a plurality of electrically conducting features. This recital of electrically conducting features is described in the instant specification as-filed at paragraphs [0110], [0111], and [0114], for example.

With this amendment, independent claim 1 and all dependent claims include the limitation of allowable claim 10 of a membrane having an aperture that is aligned with a gap between elements on the membrane.

Claims 4, 5, 9, 26, 27, 30, 33, 34, and 35 were amended in that response to correspond with the amendments to claim 1, and claim 11 was cancelled.

Examiner Action Mailed June 20, 2008, and 35 USC §112 ¶2 claim rejections:

In the Examiner's Action mailed June 20, 2008, the Examiner rejected claims 1, 3-10, and 22-35 under 35 USC §112 ¶2.

Regarding claim 1, the Examiner objected to the term "solid state structure" in the preamble. In response, the Applicants have amended the preamble of claim 1 to recite "features on a membrane." The limitation of a structure to be features on a membrane was previously added to claim 1 in response to the allowability of claim 10, and now the preamble has been corrected to correspond to those added limitations in the body of the claim.

Regarding claim 10, the Examiner indicated that there could be confusion between the membrane recited in claim 1 and the electrically insulating membrane recited in claim 10. In response, the Applicants have amended claim 10 to indicate that it is the membrane of claim 1 that comprises the electrically insulating membrane.

Regarding claim 8, the Examiner indicated that the term "the structure" did not find antecedent basis. In response, the Applicants have amended claim 8 to recite "features," finding explicit antecedent basis in claim 1, and deleting the term "structure."

Regarding claim 25, the Examiner indicated that the term "the structure" did not find antecedent basis. In response, the Applicants have amended claim 25 to recite that the gap is between "electrodes," which finds explicit antecedent basis in claims 9 and 24, and deleting the term "structure."

Regarding claim 28, the Examiner indicated that the term "the structure" did not find antecedent basis. In response, the Applicants have amended claim 28 to recite that the exposure is of "two electrically conducting electrodes," which

finds explicit antecedent basis in claim 27, lines 7-8, and deleting the term "structure."

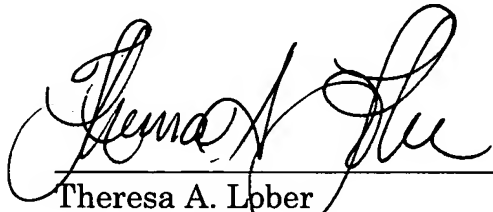
With these claim amendments, the Applicants have deleted every instance of the term "structure" and have substituted an explicit recitation. All such recitations find antecedent basis and the preamble of claim 1 directly and explicitly corresponds to the recitation of "features on a membrane" in the body of the claim.

The Applicants respectfully submit that the claims are now in condition for allowance, which action is requested.

If the Examiner has any questions or would like to discuss the claims, he is encouraged to telephone the undersigned Agent at the phone number below.

Respectfully submitted,

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